

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

FACEBOOK, INC.,  
Plaintiff,

v.

BRANDTOTAL LTD., et al.,  
Defendants.

Case No. 20-cv-07182-JCS

**PREHEARING ORDER REGARDING  
MOTION FOR TEMPORARY  
RESTRAINING ORDER**

Re: Dkt. No. 27

At the hearing on October 26, 2020, the parties should be prepared to address (along with all other issues implicated by their briefing) whether, if the Court does not grant the full relief requested in Defendants' motion, the Court could or should issue an order prohibiting Facebook from denying Defendants permissions to access its websites using automated means solely on account of Defendants' collection of advertising data. In other words, could the Court instruct the parties to work in good faith towards Defendants obtaining permission to access Facebook using Facebook's existing APIs or other protocols for approving third-party access, with the caveat that so long as Defendants adhere to established standards for obtaining individual users' permission to access those users' personal data, such that reasonable concerns about user privacy are assuaged, Defendants' collection and use of advertising data cannot be a basis for denying such access?

This order is intended solely to allow the parties to prepare to argue an issue not specifically addressed in their briefs. It is not an invitation for further briefing.

**IT IS SO ORDERED.**

Dated: October 23, 2020

  
JOSEPH C. SPERO  
Chief Magistrate Judge